

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

DEAN C. BOYD

PLAINTIFF

VS.

CIVIL ACTION NO. 3:20CV420 TSL-RPM

MENARVIA NIXON GADDIS, ET AL.,

DEFENDANT

ORDER

This cause is before the court on the report and recommendation of Magistrate Judge Robert P. Myers entered on August 13, 2021 (Dkt. No. 42), recommending that defendant William Brazier's motion for summary judgment based on plaintiff's failure to exhaust be denied. Plaintiff has filed an objection.¹ Having reviewed the report and recommendation and plaintiff's objection, the court concludes that the objection will be overruled and that the magistrate judge's report and recommendation will be adopted as the court's own opinion.

Accordingly, it is ordered that plaintiff's objection is overruled and that the report and recommendation of United States Magistrate Robert P. Myers entered on August 13, 2021, be, and the same is hereby, adopted as the finding of this court. It follows that

¹ Plaintiff has filed two identical objections to this report and recommendation, docket numbers 45 and 46. By his objection, plaintiff urges that he did exhaust his administrative remedies (as the magistrate judge so concluded). Defendant Brazier did not file an objection.

the defendant Brazier's motion for summary judgment on the issue of exhaustion is denied.

SO ORDERED this 3rd day of September, 2021.

/s/Tom S. Lee
UNITED STATES DISTRICT JUDGE